

TOWN OF CHATHAM
488 State Route 295
Chatham, New York 12037

TOWN BOARD MEETING MINUTES

January 16, 2020

6:30 PM

PRESENT

Supervisor Donal Collins, Councilmembers Abi Mesick, Vance Pitkin, John Wapner Kevin Weldon, Town Clerk Beth Anne Rippel, Confidential Sec. Tammy Shaw, Highway Superintendent Joe Rickert, ZB Chair Dan Persing, PB Chair Gabriella Sperry, Building Dept. Clerk Erin Reis

OTHERS PRESENT

approximately 35-40 community members

Supervisor Collins called the meeting to order and led the pledge to the flag.

PUBLIC COMMENT STATEMENT read by Supervisor Collins

As we start this New Year, we would like to change how we interact with the public during regular and workshop town board meetings. Please keep in mind that this is an experiment. The success or failure of this endeavor rests with all of us collectively. It is imperative to the just and effective governance of this town that we take advantage of the wealth of knowledge and valued input from our residents.

As in the past, at the beginning and conclusion of each meeting, there may be a public comment period. However, public comment may be entertained during the meeting at the board's discretion. Members of the public may raise their hands and wait to be recognized. If the board is able to accommodate them at that point, the person may be called upon to speak. The Supervisor may terminate these extra discussions for any reason. Participants will be asked to please respect this request. Departure from civility may result in a warning or furthermore, in removal from the meeting. Repeated disregard for the necessary etiquette of this more open forum may result in its discontinuance.

We encourage residents who would like to have longer, more in depth conversations with the board, to attend the workshop meetings. We will be able to have lengthier discussions at those more informal meetings. We hope this opportunity for us and for you, will work.

Our January organizational meeting was an experiment that offered some successful engagement with a few deviations, but in order to keep this format we require public participants remain seated and silent with hand raised at which point they may be called upon by the Supervisor to speak.

PUBLIC COMMENT

David, Levow – on July 21, 2016 the Board adopted a resolution to employ the CC Sheriff for Enhanced Enforcement. He is not opposed to the patrols but is opposed to using this as a means of generating revenue. There is no way to track revenue and the actual amount spent was 30K, it's a losing proposition. He suggests investigating stand-alone speed signs which cost about 3-4K. He requests that RES. #53-2020 be tabled.

Elizabeth DiPalma – thanked the Board for the opportunity to speak. She was disturbed at the first meeting by the Boards pushing through several resolutions and not tabling them. She questioned the legality.

Deborah Pierce – is concerned about the STR and the potential of a law-suite if the Town has recognized an issue and has not acted to remedy the situation.

Jeanne Bowerman read the following:

Dear Town Supervisor and Board Members,

I am writing to simply clarify some misinformation that has been circulating. In a recent Letter to the Editor of the Register-Star, a citizen wrote of her concerns with my involvement as the Co-Chair of the Comprehensive Plan Update Review Committee. She stated that I am "strongly against regulation of STRs, owner of an STR in Canaan, and several additional properties slated to become STRs."

I do own a property on Queechy Lake in the Town of Canaan that I currently manage as an Airbnb. However, I want to assure you that her other declarations about me and our committee being "pay-to-play" are 100% inaccurate.

I am actually in favor of STR regulations, especially for the purpose of helping our town government gather data and maintain the safety of our neighbors, all while respecting property owners' rights. I have stated this fact multiple times in previous town board meetings.

My family and I own several houses in the Town of Chatham that have been year-long rental properties for decades. These full-house, affordable rentals provide citizens options who prefer renting instead of owning. Neither myself nor anyone in my family plans on changing our long-standing practice of maintaining year-long rental properties. Most of our tenants stay for well over 5 years. In fact, we just renovated one of our properties and have a new tenant who we hope will stay for many years to come.

Finally, I am honored to serve as Co-Chair of the CPUR Committee with my fellow members who represent all political parties and have varied professional backgrounds, including a prominent land-use attorney and a member with ties to Chatham going back to 1816. All members have nothing but the best interest of Chatham in mind. There is absolutely no "pay-to-play" activity or agenda. Just as the previous Comprehensive Plan Committee did, we are voluntarily sacrificing countless hours of our time to help update the Comp Plan for the benefit of our town's future. We are not only open to, but are also actively seeking as much public participation as possible, having already created a robust community outreach plan.

Our hope is that the finger pointing will cease and instead, all citizens will come together to serve our community in a positive way, being a part of the solution, not a part of the problem.

We look forward to working with all of you and thank you for your service to our town.

Respectfully,

Jeanne Veillette Bowerman

Connor Cockcroft from the StonyKill Disc Golf group spoke about their organization and would like the Board to consider giving them permission to make some improvements to the course. They will provide specifics.

CORRESPONDENCE - none

SUB-COMMITTEE REPORTS

Park & Recreation Committee – Wapner reported that the final Plan will be ready for the next meeting. The committee is anticipating that they will draw over 1000 people at this year’s Park Day given the caliber of entertainment. Weldon reported that, in collaboration with PS21, they’ve got an audience participation piece that they’d like to incorporate into the Crellin Park Celebration Day of August 8. Funding for this installation will be coming from the French government. It’s done outdoors at many European festivals and is a “magnificent piece, poetic, immersive”. This will be “Presented on site of the Crellin Park as centerpiece of “Our Town,” in partnership with Crellin Park celebration and the inauguration of the PS21 Crellin Park trails”.

Citizens Finance and Planning Committee - they’ll meet for the first time next week as per Supervisor Collins.

Climate Smart Community Committee – they’ll meet for the first time next week. They’ll be discussing a mapping tool with Scenic Hudson which is GIS based to identify optimal site/s for solar energy panels. The Town will need to create a committee from their various existing committees and they’d like the Board to give them the go-ahead. Mesick stated that if we know of any site that is optimal it would give us a chance to check out mapping tool. There is nothing to lose. Weldon stated that SH would be able to make a presentation to the Town so everyone can better understand the program.

Communications Committee – Mesick reported that they’ve been very busy and read a memo that they’ve created. They would like the Board to formally require that committees to submit all agendas and minutes. They don’t have to be elaborate but should contain information enough to let the public know what they’re working on. Committees do have to record any action taken or decisions made. Minutes should be submitted within 14 days of the meeting. They are still working on some sort of protocol so committees can have access to the website to monitor their committee information. Wapner would like some time to read it and comment at another time. Weldon questioned are we using a web administrator and the answer is no. All website posts are to be sent to either Tammy Shaw or town clerk.

Comprehensive Plan Update Review Committee – Mesick reported that they are working on public outreach. They want to hold a meeting on the existing Comprehensive Plan to see what people like and what they don’t. Then they’ll have individual meeting in the hamlets to find out what the hamlet needs are and in doing so they’ll identify “hamlet leaders” to assist with setting up meetings. They’re developing on a survey that will be mailed and an on-line survey. They’re going to ask people to put their names on them so there’s proof of residency and avoid duplication. The communications committee will help with the publicity of these events. Collins asked people to spread the word, they’re

going to hit all the hamlets and get peoples input. If anyone would like to be involved in this please let us know. Jeanne Bowerman said that they're wishing to have a town email address for the committee.

REPORTS

Assessor – report on file

Code Enforcement/Building Inspector – report on file

Dog Control

Environmental Management Council

Finance Department – report on file

Highway Department – Highway Superintendent Rickert met with DEC regarding the reclamation of the gravel mine next to the town hall. The old mine is now used as part of the 18 basket Stonykill Disc Golf course. DEC would like to use Town of Chatham as a model for "What happened after the mine".

Rickert continued by reading his report emphasizing the need to replace the 27 year old air compressor. Mesick asked about Hartigan Rd. Bridge, Rickert has no report at this time. Wapner thanked Rickert for all the work he's done at Crellin Park. Report on file.

Justice Court – report on file

Office of the Aging Advisory Board

Recreation Director - report on file

Supervisor's Report – report on file

Town Accounting firm – Monthly Financial Report & Abstract – report on file

Town Attorney

Town Clerk - report on file

NEW BUSINESS

Discussion of Potential Zoning Amendments

Collins stated that the CPRU is going to take some time what we chose to look at are some issues with the current zoning that they need to address immediately. One of the things is STR and in talking to PB and ZB members is the transfer of Special Use Permit to the PB. 180-38 is the setback laws for agricultural structures, the language is ambiguous. It literally means what it is not supposed to mean.

The manufactured home law.... several years ago NYS passed a law regarding manufactured homes on permanent foundations and giving amnesty in certain areas. They want to make sure the Town of Chatham is compliant. Another thing is the planning and zoning boards and alternates. This is going to be a preliminary discussion and save the lengthier conversations for a workshop meeting. We'll briefly touch on these things.

STR

Mesick stated that we have to look at STR and how they're working in OUR town. We are significantly different from NJ, Cape Cod etc.. We don't have any large tourist attractions here to draw crowds and the proof of that is that we don't have any hotels or motels for lodging which cannot be supported by the number of people coming to the area. STRs are the only place for visitors to stay. She doesn't feel

that STR should be vilified or fear STR but they do need to be regulated. The way we start this process is to create a permit. She took it upon herself to start coming up with some regulations using the towns of Jewett and Hillsdale as a template. Hillsdale adopted theirs unanimously. She'd like to continue to work on it and at the next meeting present it to the Board for their consideration.

Wapner said that STRs were not vilified by the previous board in fact it was a use that they wanted. The hope was that it be limited to residents. One of the things Wapner thinks is important is STRs and it's important for you to consider this. The permit needs to be clear and the owner needs to be a resident of the Town. The details are fine for now but if we're not going in that direction then there needs to be some "sun downing". If that was not going to be taken into account the Town Board has that option if the Comp. Plan wants to look into it further. Mesick said that she made an attempt to sort out commercial, wedding venues and investment properties. She cannot say that the language she used will stand up, that will be up to the town attorney. A wedding, party venue or investment property would still be permitted but would need a SUP. Wapner said that the STR has to be owned by a resident. Mesick said right but it has to do with the definition of investment property. Pitkin asked Wapner what the thought process was behind that to which Wapner responded that it was a small business and it would be limited by the number of people permitted. Small business is allowed in all areas but it was limited in numbers. There was good definition work separating it out venues and investment property. Wapner doesn't want to start precedence that everyone can have a STR because you can't go backwards after that. He thinks it's inadequate the way Mesick describes it. Mesick looked into data from the Building dept. and a lot of the data is flawed in the number of STR in business. There are no applications before the Building dept. or PB currently for STR. Mesick said that when you start writing a regulation we need to keep in mind the scope of the issue. She doesn't think it's as bad as some people believe it to be. So we can start out with a permit to find out who and where they are. Wapner is not concerned about the number he is concerned about precedence. If something that allows a non-resident and you write something where your able to have a STR it will become precedence. Rappleyea wanted to talk about resident vs. non-resident and he understands the motivation behind it. if you have someone local, if there's a problem, you can contact them immediately it is not an absentee owner. The way to resolve that is to require that it is someone that is the owner who resides here or that there is someone local who is in control of the rental unit. The concern about differentiating between nonresident and resident is a constitutional one. It is an equal protection argument. Wapner understands that its Rappleyea's legal position but it not necessarily the only legal position. Mesick stated that in this draft there is a requirement that there has to be a contact person. Wapner said that this is still not dealing with the issue of the use of the building in residential or agricultural area.

Mesick said they don't want to start with a sledge hammer, its baby steps.

Weldon spoke to someone in Hillsdale and they decided to deal with STRs by not dealing with it and just let everyone do it. It's a hot button issue.

Jeanne Bowerman said that the industry is changing and some insurance companies won't insure if the owner doesn't have a management company. This could weed out some people.

SUP transfer to Planning Board from ZBA

Gabriella Sperry PB chair, when an application comes in for a SPR- SUP either board can impose conditions. There needs to be a lead agency and you keep throwing it back and forth. It is expensive and takes longer for the application to wind through the process. The PB has 60 day time frame once the application is accepted to make a decision. it would be easier if the SUP falls under one board. You can have a SPR and SUP at the same time. It's a win-win for everyone and less expensive for the applicant. Dan Persing, ZB chair added that it is very common for a SUP to fall to the PB. Consolidating and putting it with one Board makes sense.

Lot Line adjustment (policy)

Collins said that they'd like to explore a lot-line adjustment policy. **Sperry** said that this would simplify the process. It's less expensive, less stress on everyone. Collins asked Erin to explain how things worked in Ghent with lot-line adjustments.

Erin Reis, ZB and PB clerk, said that the PB reviews the application and if they aren't creating a new parcel or substandard lot and they're all in agreement then it can be done in one meeting, doesn't have to go to public hearing. Collins said they'd talk about this further at the next workshop meeting. Rappleyea said that probably the only issue the Board may want to look at is how much land you want affected? Do you want to limit it to small area and a simple process, one acre or two then say anything greater than that you can do a shortened process but make it bit more rigorous so you have some controls over the big changes in acreage.

180-38 Semantic Correction

The set-back regulations for agricultural structures in the current code is ambiguous and needs clarity, Where it says "may be within 45 feet of the neighboring property..... that needs work.

Manufactured Home Law (NYS reg.) – the Town needs to be in compliance following NYS law.

Collins said that another thing that's come to their attention is escrow. They'd like to try to minimize the initial escrow. Previously the funds went to the town planner and/or the land use attorney. They'd like to cut down the cost. Mesick said they need to discuss hardship waivers too. Shaw asked if we were still bringing the \$300. Escrow. Rappleyea said yes, it is still on the books.

Planning Board/Zoning Board Alternate Description/Role

they are allowed an alternate.

Discussion of Crellin Park/ Garden Instructor/Director Position

Wapner said that until 2 years ago the Children's Garden was run by an outside organization and the registration fees went directly to the director/instructor. When she gave up the program the Town had to figure out how to keep the program going. A committee spun off and CARP was formed. CARP, a 501 C 3, is strictly for fundraising and they give the money to the town. Wapner said that they can't pay salaries. Rippel reported that the Crellin Park Foundation, also a 501 C 3, was founded in 2008. It functioned separately from the Town and was a funding mechanism for Crellin Park improvements. The Foundation has been inactive but does hold approximately \$20,000. which has been designated for the skate park as per the requests of the donors. Wapner said that they need a workshop for the Plan and

the Board will need to make a decision. Mesick is confused and would like clarification on groups and committees and such; she'd like to know how each component works. Wapner said that many of these questions can be answered in the Master Plan. As soon as the parks and Rec. approves the Plan it will be posted on the website for everyone to review.

Neither Weldon nor Wapner are voting members of CARP

Civil Service

Collins said they met with Civil Service and they will create the Confidential Administrative Assistant to the Supervisor. **Pitkin** said they will be reviewing job descriptions.

OLD BUSINESS – none discussed

RESOLUTIONS

Resolution 44-2020 to appoint UHY LLP as Town Accounting Officer (formerly Pattison, Koskey, Howe and Bucci, CPA).

To Appoint UHY LLP as Town Accountant

WHEREAS, the Town Board of the Town of Chatham, at its' annual Organizational meeting held on January 2, 2020 appointed the accounting firm of Pattison, Koskey, Howe and Bucci as Town Accounting Officer by resolution #10-20; and WHEREAS, the said firm of Pattison, Koskey, Howe and Bucci has recently merged with another firm and has changed its name and operations to UHY, LLP; and WHEREAS, the Town Board of the Town of Chatham, intends to continue to utilize the newly merged and formed firm for its accounting officer, and NOW THEREFORE BE IT RESOLVED, the accounting firm of UHY, LLP as successor in interest to Pattison, Koskey, Howe and Bucci shall be and hereby is appointed as Town Accounting Officer. Offered by Weldon, seconded by Pitkin and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 45-2020 to approve the town accountant to audit the Town Justice Court for 2019.

WHEREAS, the Town of Chatham Town Justice Court is required to be audited annually, and WHEREAS, the Town Accounting firm of UHY, LLP (formerly Pattison, Koskey, Howe & Bucci) recommend audits be conducted for the Town Justice Courts for the periods of January 1, 2019 through December 31, 2019 in accordance with the Handbook for Town and Village Justices and Court Clerks, promulgated by the New York State Office of the Comptroller, and THEREFORE, BE IT RESOLVED, the Chatham Town Board accepts the price quoted by town accountant UHY, LLP dated January 13, 2020, estimated to be approximately \$ 2,100.00 based upon the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, the town accounting firm will discuss with the Town Board and arrive at a new fee estimate before any additional costs are incurred. Offered by Mesick, seconded by Weldon and moved.

Wapner said that he appreciates the last paragraph, it was well written.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 46-2020 to authorize the Supervisor to sign shared service agreement with Columbia County WHEREAS, the Town of Chatham wishes to take part in the Columbia County's Shared Services initiative in an effort to realize savings to the town and county taxpayers, and WHEREAS, the Town Board has authorized the County Management Information Services (MIS) Department as the Town's technology service provider at an hourly rate of \$60.00 per hour for the services rendered billed in 15 minute increments, and WHEREAS, the Town Board authorizes the Supervisor to sign the Shared Services Agreement for 2020 which will run from January 1, 2020 to December 31, 2020 and may be terminated upon 30 days prior written notice, and NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the County MIS Shared Services Agreement insofar as this agreement shall be for one year from January 1, 2020 to December 31, 2020 at an hourly rate of \$60.00 for services rendered, billed in 15 minute increments. Offered by Wapner, seconded by Weldon and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 47-2020 to issue an RFP for Attorney for the Town (Municipal, Land Use and Planning). to authorize the Town Clerk to request proposals for Town Attorney position with advertisement in the newspaper and Town website. Offered by Weldon, seconded by Pitkin and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted.

Resolution 48-2019 to approve town accountant's letter of engagement for town audit.

TO AUTHORIZE SUPERVISOR TO SIGN LETTER OF ENGAGEMENT FOR ACCOUNTING FIRM

WHEREAS, the Town of Chatham has appointed UHY, LLP (formerly Pattison, Koskey, Howe & Bucci) as the town's accounting firm for 2020, and WHEREAS, the 2020 Budget includes funds to pay an Accounting firm under Account Code A1310.492; Professional/Contractual-Accounting Firm, and THEREFORE, BE IT RESOLVED, the Chatham Town Board authorizes the Town Supervisor to sign the Letter of Engagement for 2020 Accounting with a budget amount not to exceed \$21,500.00. Offered by Pitkin, seconded by Mesick and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 49-2020 To remove inventory from Highway Inventory.

REMOVE ITEMS FROM HIGHWAY INVENTORY

WHEREAS, the Chatham Town Board authorizes the removal of the following items from the Highway Inventory and to sell as surplus or junk:

- (1993) Ingersoll Rand Air Compressor, ID#H-06-93-02
- (2000) Plow blade jack, ID#277
- (2003) Motorola radio, ID#484
- 16-Tires 12R22.5, Out of date
- (1999) Air Conditioner, ID#45
- (1986) Makita table saw, ID#255

NOW THEREFORE, BE IT RESOLVED, by the Chatham Town Board to authorize the above items to be removed from Highway inventory and to sell as surplus or junk.

Offered by Mesick, seconded by Wapner and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 50-2020 To accept the Town Account's financial Supervisor's Report of December 31, 2019.

Offered by Mesick, seconded by Weldon and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 51-2020 to accept the financial abstract as presented to pay the Town bills.

Offered by Weldon, seconded by Wapner and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 52-2020 to approve the minutes of Town Board Meeting December 19, 2019.

Offered by Mesick, seconded by Pitkin and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Resolution 53-2020 to approve renewal of Enhanced Enforcement Patrol contract with Columbia County Sheriff's Office.

WHEREAS, at a Town Board Meeting on July 21, 2016, the Town Board of the Town of Chatham approved the Town of Chatham's participation in the Columbia County Sheriff's Enhanced Enforcement Patrol Program, and NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Chatham does hereby authorize the Town Supervisor to sign a contract with the Columbia County Sheriff's Department to continue the program for March 1, 2020 to February 28, 2021. Offered by Pitkin, seconded by Weldon and moved.

Discussion

Mesick said she was not opposed to EEP but she is opposed to using ticketing to generate revenue. She'd like more information.

Wapner asked if this could be tabled until they have a clearer of the program which they can get from the Sheriff.

Shaw said she's spoken to other court clerks and they all say the same thing and that's that it's too hard to track. We may be able to get grants to cover the cost of speed trailers.

Collins said that it is up to the Town where they want to see the enhanced enforcement and to keep them on budget.

On a motion by Collins, seconded by Weldon and moved the Board tabled RES. #53-2020.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

Collins will ask Lopez to the next meeting

Resolution 54-2020 to set public hearing to establish new position Confidential Administrative Assistant to the Town Supervisor. Local Law 1-2020

WHEREAS, the Town Board of the Town of Chatham has determined pursuant to NYS Town Law Section 29 (15) it is appropriate to establish the position of Confidential Administrative Assistant to the Town Supervisor, with policy influencing/confidential designation to be full-time and to serve at the pleasure of the Supervisor, and WHEREAS, the Columbia County Civil Service Department has recommended that the such position be established both by resolution and local law. NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chatham hereby creates the position of Confidential Administrative Assistant to the Town Supervisor to the Town Supervisor, with policy influencing/confidential designation to be full-time and to serve at the pleasure of the Supervisor and hereby sets a public hearing for the purpose of accepting public comment on the enactment of a local law establishing such position. Such public hearing shall be held on February 6, 2020 at 6:30 pm in the Chatham Town Hall; and be it further RESOLVED, that Tammy Shaw be and hereby is appointed to such position created herein, at the rate of \$23.15 per hour.

Offered by Mesick, seconded by Pitkin and moved.

VOTE

AYE: Mesick, Pitkin, Wapner, Weldon and Collins NAY: None Resolution adopted

PUBLIC COMMENT

David Ross would like to appeal to the Board for the return of escrow. He wants the Town to establish a procedure for an appeal.

Mesick asked if people want more time to review the piece the Communications Committee put forth and the answer is yes.

Discussion was had regarding the ability to apply to the ZB, PB on-line but it can be expensive

Cindy Bobseine concerned about STR and real commercial development in residential areas which Mesick's draft doesn't address. **Collins** said they were going to discuss this at the workshop meeting in February. Mesick said that this is a step towards dealing with STR while the rest of the work is being done on the Comp. Plan.

Wapner asked if the draft law is going on the website. Mesick said that she will finish it and get it to the Board. Then it will go on the website prior to the workshop. **Weldon** asked if this was coming from Mesick as a Board member, she said yes.

Henry Corsun finds that one of the most frustrating things about the STR discussion before was that lots of people were speaking but there was never actual working. Is there any thought to how the workshop meeting will be structured? There needs to be a process. Collins said that whatever they need to do to hash this out they'll do. Corsun suggested a facilitator. Wapner cautioned on whatever you write will become the focal point of the discussion. Discussion continued..... Adelle (?) There is a process and there's not just one right way to do it. If Abi provides a structure it doesn't mean it's the end-all. It could bring everything John Wants to the discussion.

On a motion by Pitkin, second by Mesick and carried the meeting adjourned at 8:45.

Respectfully submitted, Beth Anne Rippel, RMC
Town Clerk